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1                                   RECORD OF ORAL HEARING  
2                                   UNITED STATES PATENT AND TRADEMARK OFFICE

3                                   \_\_\_\_\_  
4                                   BEFORE THE BOARD OF PATENT APPEALS  
5                                   AND INTERFERENCES

6                                   \_\_\_\_\_  
7                                   *EX PARTE* ARVIND A. RAICHUR and BECKY D. RAICHUR  
8                                   \_\_\_\_\_

9                                   Appeal 2009-000937  
10                                  Application 09/641,031  
11                                  Technology Center 2100  
12                                  \_\_\_\_\_

13                                 Oral Hearing Held: April 23, 2009  
14                                 \_\_\_\_\_

15   Before LEE E. BARRETT, JOSEPH L. DIXON, and LANCE LEONARD  
16   BARRY, *Administrative Patent Judges*.  
17

18  
19   APPEARANCES:

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1 The above-entitled matter came on for oral hearing on Thursday,  
2 April 23, 2009, at The U.S. Patent and Trademark Office, 600 Dulany Street,  
3 Alexandria, Virginia, before Christine L. Loeser, Notary Public.

4  
5 MR. MYERS: If it may please the board, my name is Jeff Myers and  
6 I am here today with inventors Arvind and Becky Raichur.

7 First, I would like to confirm we have an extra ten minutes of time.  
8 That was confirmed to me.

9 JUDGE BARRETT: Okay.

10 MR. MYERS: Thank you. Mr. and Mrs. Raichur are the owners of  
11 AllLaw.com which is an Internet business that has been around for 15 years  
12 or so in the legal space and so they have a great deal of experience in the  
13 Internet information indexing and information provision business.

14 I would like to turn it over to Mr. Raichur to initially talk about the  
15 invention briefly and then Mrs. Raichur will help to distinguish the primary  
16 reference, which is Jackson, and I will conclude by fielding questions and  
17 talking about Jacobson some, a little bit, as well.

18 JUDGE BARRETT: Okay.

19 MR. RAICHUR: Good morning. Thank you, members of the panel.  
20 My name is Arvind Raichur. Sorry, I am a little nervous, came a long way.

21 On behalf of myself and Becky, we want to thank you for giving us  
22 the time today. At this time I would like to give a short overview of our  
23 invention.

24 The need. Many individuals and companies want to have a  
25 hierarchically and topically organized subset of Internet websites called an

1 index available for use on their own web sites; however, difficulties in  
2 doing so include manually having to collect and add web site links to a  
3 central location on their website, not to mention that links must be constantly  
4 maintained, adding and removing links by hand, checking sites regularly to  
5 see if they are still online and checking for relevant new sites that should be  
6 included on their index.

7 This task is beyond the capabilities of most individuals. For example,  
8 the owner of a gardening site might want to have an index of gardening links  
9 on their website. A doctor might want to have a collection of health-related  
10 information on their web site. A national company, like, say, Williams and  
11 Sonoma, might want to have a collection of recipe and cooking-related sites  
12 included directly on their site. Our invention allows anybody to have an  
13 index that only includes the information that they are interested in.

14 Our invention solves this by delivering an index direct to their server -  
15 - to their web site, excuse me. The website owner starts with a complete  
16 web index and then customizes it to fit their needs.

17 The index is then served to their website from our invention, the DISE  
18 server. As stated, any user of our invention can customize an index to be  
19 what they want.

20 They can exclude or add categories, change the hierarchy of the  
21 categories, change the name of the categories, change the category  
22 descriptions, exclude or add links, change the order of the links, change the  
23 name of the links or change the link descriptions.

24 In this manner, every individual or company can have their own  
25 unique index of the Internet. We will use Bob as an example. Bob happens

1 to be a Redskins fan.

2 Here Bob selects three categories to be on his website: Business,  
3 news and sports.

4 Under each category, Bob then selects the subcategories he wants  
5 included. So Bob in this example chooses basketball and football. Bob can  
6 also change the hierarchy of the topics or reorder them.

7 So here we see Bob moving football. He can move football from a  
8 minor subtopic into the position of a major category. Here we see Bob has  
9 moved football to replace sports. So the top level of the hierarchy is  
10 repopulated with all the football subtopics joining the original sports topics.

11 Bob could have also put football on the same level as the sports topic  
12 if he so chose or Bob could even move the football topic under a normally  
13 unrelated topic like, say, automobiles, if he so desired. In our invention,  
14 Bob can move any topic anywhere he wants.

15 Bob can also rename any topic so that it is personalized to his way of  
16 thinking and organizing information. So here we see that Bob renames the  
17 football category to Why God Created Sunday. This is just one example of  
18 how our invention allows Bob to change the name of any and every category  
19 he chooses.

20 Just as with categories, you can change the positions of individual  
21 links within hierarchy. Traditionally, if Bob were to go to a sports site that  
22 was created by someone else, looking for his favorite team, the Redskins, he  
23 would more than likely find it in alphabetical order at the bottom.

24 With our invention, Bob can reorder his index in any way that it suits  
25 him. Here we see Bob moving the Washington Redskins website to a

1 different category at the top of the list.

2 This is a demonstration of how Bob can reorder links under any  
3 category or even change their category to suit his own wishes. With our  
4 invention, Bob can be sure that the websites he wants at the top of his index  
5 will be there.

6 This is very different than, say, what happens when you use a  
7 traditional search engine like Google which gives you one set of results one  
8 day and a different set of results the next.

9 Bob can also change the description of any category or link. Here we  
10 see Bob change the description of the Washington Redskins site to The Only  
11 Team That Matters. Our invention has allowed Bob to change the  
12 description from how someone else viewed the site to a description that  
13 makes sense to him.

14 Bob has created a subset of the Internet that is unique to his website.  
15 His major topics are business news and Why God Created Sunday. Bob  
16 then inserts what we call the DSC code into his website and the index is  
17 delivered directly to his web pages via the DISE server.

18 The index is dynamic. Each time Bob accesses his website, the DSC  
19 code provides his website the up-to-date index.

20 In a standard index, the website owner would need to regularly check  
21 to see whether links in their index are obsolete and delete them and  
22 continuously look to see if new websites exist that should be added to his  
23 index.

24 Our invention automatically maintains and updates each user's index.  
25 Links are automatically deleted if they become obsolete. In addition, our

1 invention automatically updates all user indexes with any new links that are  
2 relevant to their index.

3 For example, when a new website becomes available under the  
4 gardening topic, then every index is dynamically updated that includes the  
5 gardening topic. In Bob's case, if a new football links become available,  
6 they are automatically added to Bob's index without Bob having to look for  
7 the new links or even know that they exist.

8 In our invention, users have the option to search the contents of only  
9 websites included in their unique index. This leads to more efficient  
10 searches and higher quality search results. For example, in a gardening  
11 index, a search for nurseries will not return websites pertaining to day care  
12 centers.

13 If we use Bob's index as an example, we see this point very clearly. If  
14 one types Redskin into Google, Google does not know if you mean  
15 Washington Redskin or the racially derogatory term for Native American,  
16 and therefore it supplies you with a mix of both results.

17 A search of Bob's index for the word Redskin would deliver a very  
18 different set of results than, say, a history professor who had created an  
19 index of American history websites. This way of focusing searches to only  
20 websites of interest to the user provides a much better quality of search  
21 results.

22 One application of our invention is an inclusion filter. Many parental  
23 filters exist but they are primarily exclusion filters, restricting websites that  
24 are bad for kids. While these filters include things like pornography, they  
25 may include other sites parents don't want their kids to browse.

1           For example, one parent may want their child to view only sites  
2           pertaining to their religion while another parent might want their child to  
3           view websites from all religions. Our invention would allow the parent to  
4           customize the index specifically for the child, including only the topics they  
5           want their child to access.

6           Thereby, our invention could be used by a parent to completely  
7           control the Internet environment for their child because the child would only  
8           be able to access sites included in the index that was created by the parent.  
9           The definition of appropriate content would be in the parents' hands, not in  
10          the hands of a company who designed the parent filter.

11          Our invention allows any individual or business to create a  
12          customized version of the Internet that reflects their own personality and  
13          needs.

14          I am going to turn it over to my wife, Becky, to talk about the  
15          Jacobson patent and how it is inappropriate against ours.

16          MS. RAICHUR: Good morning. Again, I am Becky Raichur, and I  
17          am going to be talking about the Jacobson patent, the patent the Examiner  
18          primarily relied on to reject the present patent application and discussing  
19          why it is completely unrelated to our invention.

20          The Examiner references column 1, lines 25 to 35, to state that  
21          Jacobson teaches a hierarchical plurality of topics. Jacobson's only mention  
22          of a topic-subtopic structure is when the inventor describes the problem that  
23          the Jacobson invention is meant to solve.

24          JUDGE BARRY: I am a little puzzled by the Examiner's  
25          interpretation. The claim requires a hierarchical plurality of topic categories.



1 The Examiner seems to look -- is this right, at figure 1 for their hierarchy --

2 MS. RAICHUR: That's right, Your Honor.

3 JUDGE BARRY: But then for the topics, he looks for a whole  
4 different figure to figure 2, the reason sets?

5 MR. RAICHUR: Yes, sir.

6 JUDGE BARRY: There are no reason sets in figure 1. There is no --  
7 the hierarchy of figure 1 does not appear in figure 2 so what am I missing  
8 here?

9 MR. RAICHUR: The hierarchy of figure 1 is the hierarchy of the  
10 Internet, that is, it's the hierarchy of what is being indexed whereas the  
11 claims are talking about the hierarchy of the index itself. So yeah, we agree  
12 that the reference is completely inappropriate. It is not dealing with the  
13 same type of hierarchy.

14 MS. RAICHUR: Indeed, my slides do show those figures in  
15 particular. It shows figure 1. I have just a few slides but you are right on  
16 my point. Exactly.

17 MR. RAICHUR: We continue to hammer on that.

18 MS. RAICHUR: Jacobson then has what might be said -- okay, I'm  
19 sorry. Jacobson's only mention of the topic-subtopic structure is when he  
20 describes the problem that the invention is meant to solve. Jacobson refers  
21 to the topic-subtopic structure as humanly and computationally intensive and  
22 too inflexible. Jacobson then, as might be said, throws the baby out with the  
23 bath water and completely teaches away from the topic-subtopic model.

24 This can clearly be seen in column 2, lines 53 to 60, in which  
25 Jacobson defines their use of the word hierarchy. The universe of

1 documents is obtained by composing a hierarchical structure of the path  
2 names under the hierarchical structure of the domain names. Jacobson  
3 makes it clear that their use of the hierarchy means the path name.

4 Jacobson is using the term hierarchy to refer to the directory structure  
5 of a website, what we now call a site map. It is analogous to a folder system  
6 used on a Windows or a Mac-based computer. It is simply a way to show  
7 the relationship of directories to their subdirectories as they exist regardless  
8 of content.

9 Jacobson uses the example of research.ATT.com/SUCI/papers to  
10 show that the directory called papers is inside or under the directory called  
11 SUCI which is in turn under the top level of that particular web page,  
12 research.ATT.com.

13 So when Jacobson's use the directory structure of  
14 ATT.com/SUCI/papers is the hierarchy.

15 MR. RAICHUR: This is the figure that, I think, that Judge Barry was  
16 --

17 MS. RAICHUR: We actually use this figure again because it's so  
18 different than ours that we, we didn't quite understand that as well.

19 The way they use hierarchy is concerned only with the underlying  
20 bioarchitecture that exists on every web server. It makes no attempt to  
21 classify the information into arbitrary categories such as sports or  
22 philosophy.

23 In fact, he calls that model problematic and teaches against it. In our  
24 invention, users organized collections of websites in completely arbitrary  
25 ways, irrespective of any underlying directory structure.

1           As you mentioned, figure 2 in Jacobson shows very clearly that he  
2 teaches linear lists called a region sense so one might have a set called  
3 telecom companies or sports sites. Then the sets can be searched using set  
4 topic. For example, one could search for the term "white paper" in the union  
5 of telecom companies and universities.

6           These region sets only include --

7           JUDGE BARRY: Correct me if I am wrong, but I did not see any -- I  
8 didn't see that any of these region sets would have a region subset.

9           MS. RAICHUR: That's correct, that's very correct. The next slide  
10 will show that very clearly.

11           Jacobson's hierarchy maps the structure of the Internet as it exists and  
12 maps the physical locations. You can compare what Jacobson teaches to a  
13 map of a city. It describes the pre-existing layout of the city and how the  
14 roads connect to one another.

15           The person reading the map has no influence on the roads. They can't  
16 change the name of the streets or the roads. The roads cannot be redrawn  
17 and reconnected to different roads. Every copy of the map is the same for  
18 everyone. Our invention uses hierarchy as a way to describe how users  
19 move around concepts and ideas, something that can be unique for everyone.  
20 The Examiner is relating Jacobson's use of the word hierarchy to the way  
21 our invention uses the word hierarchy is like relating highway, as in I-95, to  
22 the term information super highway.

23           While the use of the word in both ways is appropriate, they mean  
24 something completely different in that context. Last slide.

25           In Jacobson, the hierarchy is a site map of file structures. In our

1 invention --

2 JUDGE BARRY: What Jacobson basically says about figure 1 is, this  
3 is the worldwide web.

4 MS. RAICHUR: That's right. It's basically the Internet. Their  
5 hierarchy is the Internet. You can't have subtopics. We were really  
6 confused by that as well.

7 In our invention, the hierarchy is the way topics and subtopics are  
8 organized. In Jacobson, a user can't reorder or rename the hierarchy.

9 In our invention, the user can reorder and rename the hierarchy as  
10 they see fit. In fact, each user can rename categories, they can add them,  
11 exclude them and arbitrarily change links and categories into different tree  
12 structures, in other words, change their hierarchy.

13 This feature would be absolutely impossible in Jacobson because a  
14 hierarchy, as defined in Jacobson, are the site maps to other peoples' web  
15 sites.

16 In Jacobson, region sets are not dynamically updated. In fact,  
17 Jacobson calls additions and deletions problematic but in our invention, each  
18 user's index is dynamically updated.

19 In Jacobson, region sets are not located on a user's website but in our  
20 invention, using the DSC code, users can include their index on their website  
21 and it is still updated every time they go to that website.

22 In Jacobson, searches of region sets must include entire websites but  
23 in our invention, searches include only the portions of websites

24 In conclusion, a site map of file searches is not the same as a topic-  
25 subtopic index and Jacobson uses the word hierarchy -- his use of the word

1 hierarchy is clearly not a hierarchical plurality of topics and, in fact,  
2 Jacobson completely teaches away from our invention. Thank you guys very  
3 much.

4 JUDGE BARRETT: Can I ask a question?

5 MS. RAICHUR: Please, yes.

6 JUDGE BARRETT: When Jacobson is talking about this Yahoo and  
7 infoseek on column 125 to 42, it talks about topic-based hierarchical  
8 directories.

9 The users can navigate the topic-subtopic hierarchy, impose key-  
10 word-based queries to locate documents classified under a specific topic of  
11 interest.

12 How is that different than the invention of claim 1?

13 MR. RAICHUR: I can address that. If you remember back at that  
14 time, the way Yahoo was principally constructed was it presented you a  
15 hierarchical list of categories and subcategories; however, they were static  
16 rather than dynamic. One could not have one's own version where you  
17 would move categories around and such.

18 So we spoke with the Examiners at various points in examiner  
19 interviews and distinguished that in that fashion, that although Yahoo had a  
20 similar structure, it was set in stone and not dynamic as in the present  
21 invention.

22 MS. RAICHUR: If I may, Jacobson mentions that but then  
23 completely teaches away from it. It's actually the problem this invention is  
24 meant to solve.

25 JUDGE BARRETT: In patent law, a patent is good for all it teaches.

1 Even if it teaches that something is old and unpreferred, it still is something  
2 available to one skilled in the art.

3 MR. RAICHUR: Yes. But it is important to realize that it is using it  
4 in the context of teaching away from it and saying, this is a bad way of doing  
5 it. We think these region sets are better because people can set up their own  
6 region sets and then get -- search the individual region sets rather than  
7 having to plunk down through a bunch of categories to find what they want.

8 JUDGE BARRETT: Claim 1 doesn't require dynamically adding,  
9 does it?

10 MR. RAICHUR: It does.

11 JUDGE DIXON: It says provided maintaining a permanent but  
12 dynamic index. That seems contradictory within itself to me. Permanent, as  
13 you said, that's Yahoo, but we are dynamic but you have permanent but  
14 dynamic. I can't ...

15 MR. RAICHUR: I know that permanent was introduced in that claim  
16 at a stage to deal with some particular piece of prior art. I'm now trying to  
17 remember.

18 JUDGE DIXON: That would be the background would be  
19 permanent, how Yahoo has subcategories which you can't manipulate but  
20 they are manipulated by Yahoo because every so often they change them up  
21 a little bit.

22 Permanent really doesn't mean permanent. It's permanent until  
23 somebody changes it. It's not the end user who modifies it. What in the  
24 claim says who modifies?

25 MR. RAICHUR: That's in section B where the user is the one who is

1 permitted to specify any particular subset of the plurality subset.

2 JUDGE DIXON: But a user at any time is Yahoo's people who are  
3 modifying it.

4 MR. RAICHUR: We disagree because user, as understood by one of  
5 ordinary skill in the art, is not going to be the site administrator.

6 JUDGE DIXON: Why would you say that? Do you have a definition  
7 of what the user is? When the programmer is changing it, they are the user.  
8 They are using it. They are not performing a search but they are using the  
9 structure and manipulating it.

10 User is a broad term and it depends on what context you are using it.  
11 One user at one time is not a user at another time. What in the claims puts a  
12 context?

13 MR. RAICHUR: I think it's the claim as well as the entirety of the  
14 document is talking about user in the context of someone who is actually  
15 performing the search, manipulating the topic categories and so forth.

16 Again, someone in the computer science world, when they hear the  
17 word user has a very specific understanding of what that means and it is  
18 generally going to exclude someone who is the site administrator for  
19 someone who has technical capabilities with respect to dealing with the  
20 programming of the invention and so forth.

21 JUDGE BARRY: I'm not sure what is the argument? Why would  
22 that distinguish the claim? I mean, for instance, if we take that Yahoo has a  
23 hierarchical priority of categories per step A, it does permit a user to specify  
24 a subset and search within that. It says that in the paragraph.

25 MS. RAICHUR: Yahoo does not allow you to specify any subset.

1 Within Yahoo, you can search one topic or the entire index.

2 MR. RAICHUR: And additionally, there's element C which requires  
3 that the one be able to add to a web page controlled by the user link  
4 information that permits execution of the searches of the subset that they  
5 have selected and, again, that's any subset which should be read as any  
6 possible subset.

7 JUDGE BARRETT: You don't think that providing that users specify  
8 any subset could be using -- permitting a use to specify a particular subset?

9 MR. RAICHUR: It's intended to mean they can choose any subset  
10 that they want so the capability is there for any possible subset so it can be in  
11 two pieces. They are scattered here and there. It could be a single thing, it  
12 could be the whole thing.

13 JUDGE DIXON: If you have a single thing, then you have Yahoo  
14 because you only went under one category. So how is the claim  
15 distinguished?

16 MR. RAICHUR: But the user cannot select to search two things at  
17 the same time, for example.

18 JUDGE DIXON: But the claim does not require two, you just said.

19 MR. RAICHUR: It requires any possible, that is, any subset.

20 JUDGE BARRY: With Yahoo, the possible subsets would be the  
21 ones that are provided, right?

22 MR. RAICHUR: Exactly.

23 JUDGE BARRY: Like Judge Dixon, I don't see the difference. If we  
24 have two subsets, we could search one or we could search another. How is  
25 that different from the claim?



1           MR. RAICHUR: Again, a subset would include, say, five different  
2 topic categories and they can be dealt with at the same time with the present  
3 invention. With Yahoo, you would have to search each individually and  
4 then somehow combine the results yourself.

5           MS. RAICHUR: In Bob, Bob would be searching under his  
6 categories which are business, news and Why God Created Sunday, which is  
7 some sports mix but he didn't include the entire sports mix.

8           So he would be able to put his own categories in as well and add links  
9 to those categories as he saw fit. So it is something, it could be completely  
10 arbitrary and it will be. So the mix is something that he controls completely  
11 of what he's searching.

12          MR. RAICHUR: That's important in that what you are left with then  
13 is a better quality search result.

14          I tried to illustrate, possibly didn't give the best illustration, but again,  
15 Google working like Yahoo, if you are searching the entire index and  
16 without a context you type in the word Redskin, you get a very wide mix of  
17 information.

18          Whereas with our invention, Bob, having restricted his subtopics to  
19 things that make sense to him, in this case, a real football subsection, he's  
20 only going to get those quality examples when he types in the word Redskin.  
21 He is going to get football-related. He is not going to get the American  
22 ones, he is not going to get this is hate speech sites. It's a real big mix on  
23 something like that that comes up because, again, you are searching the  
24 entire index.

25          MS. RAICHUR: It's also important to note that when you search

1 Yahoo, you are not actually searching the sites themselves. Even if you say,  
2 I want to search just this topic, it searches their titles and their descriptions  
3 and doesn't actually search the entire website, the underlying files.

4 MR. RAICHUR: Your Honor, if I may, it's been ten years since we  
5 filed for this patent application and Yahoo and the Internet ten years ago,  
6 when we developed our invention, very different than Yahoo -- Google  
7 wasn't the player at the time.

8 They weren't even a player. They weren't even there which I think is  
9 in part why Jacobson says it would be very hard to even do this and that's  
10 why they are trying to come up with this region set searching method.

11 MR. MYERS: What is interesting is that this invention is not  
12 available in the Internet today. It still isn't out there in any form that we  
13 have been able to find.

14 MR. RAICHUR: And it has been ten years since we have been  
15 wanting to launch it.

16 JUDGE BARRY: So this is the argument that you make on the  
17 paragraph bridging pages 11 and 12 of your Appeal Brief. You are talking  
18 about Yahoo.com, relates to the ability to choose a single subset, not to  
19 specify any subset of a hierarchy.

20 MR. RAICHUR: I'm sorry. Pages 11 to 12?

21 JUDGE BARRY: Of the Brief for Appellants.

22 MR. MYERS: This is really just distinguishing Jacobson which is  
23 talking about the region set concept and then again, Jacobson teaches away  
24 from having the hierarchical plurality of topic categories in column 1, lines  
25 25 to 42, where it disparages the Yahoo arrangement.

1 I would also like to point out that in the Reply Brief or rather the  
2 Examiner's Answer, they rely upon column 3, lines 1 to 30 which again is  
3 something that merely states that Jacobson is using the web site route in the  
4 region sets and that it's the websites themselves are what have the  
5 hierarchical structure.

6 JUDGE BARRETT: Jacobson may talk about the act of classifying  
7 the rapidly-growing collection of documents into specific topics is a human  
8 computationally-intensive task. Isn't your invention going to have to do that  
9 in order to select an appropriate –

10 MR. RAICHUR: It's solving the same problem that Jacobson was  
11 attempting to address which is to narrow the scope of what's searched.

12 The way that is done, and it can be done by each user individually, is  
13 that they select what the topics they are interested in. Of course, the  
14 individuals providing the server will have to make sure that the index is  
15 updated and accurate and so forth, but each search will be particularized, not  
16 to the entire internet as in Google, but the word search will go only to the  
17 categories that they are particularly interested in.

18 So that is helping to solve the problem of computationally intensive  
19 searches being required with the wealth of stuff out there now.

20 JUDGE BARRETT: So somebody will have to physically look at a  
21 search and say –

22 MR. RAICHUR: We would provide the main index that they would  
23 then be able to create their indexes from. So I guess the problem we are  
24 solving for the individual is, to use an example, if you asked someone to  
25 create a collection of every S word in the English language, if you asked

1   them to go look at the word and go, okay, apple doesn't begin with S, ball  
2   doesn't begin with S, but they have to look at every word and collect the S  
3   words, that would be very difficult.

4           But if we gave you every English language word in the dictionary  
5   form and you were able to cut every other word out, so you just cut out the  
6   As, the Bs, the Cs and were left with the Ss –

7           MS. RAICHUR: It's a lot easier to do.

8           MR. RAICHUR: A lot easier to do. And moreover if you wanted to,  
9   again, show our silly example of it, since it's yours, you could order things  
10   the way you wanted, if you wanted five W words at the top, you could take  
11   them and put them there.

12           It doesn't matter that it doesn't make sense to anybody else. Now you  
13   have got your Y, whatever, word on stop of your S words. But you could  
14   create that very fast as an individual, what we call user, as opposed to –

15           MS. RAICHUR: And then using the same analogy, if we were  
16   maintaining this dictionary for you with the S words, when words became  
17   obsolete, they would be removed and when new S words became available,  
18   they would be added. So you wouldn't have to go look for the new S words  
19   that were out there.

20           MR. RAICHUR: They would be added for you. And, again, as  
21   happens with our English language, Webster's throws out words every year  
22   from the dictionary and if the word was obsolete, it would be gone.

23           MS. RAICHUR: In our invention, that again makes the search more  
24   complete. One day you search for it and then a year later when you are  
25   searching for the same thing, the new websites that are available appear in

1 your search or your topics that you are browsing in.

2 JUDGE DIXON: I agree with everything you have said about the  
3 distinction between your invention. My problem is the claim. That's what I  
4 have to deal with.

5 I don't necessarily see user as being as well defined in the context of  
6 the end user searcher permitting a user to specify any set, subset. I don't  
7 necessarily think that any subset excludes one which would be what Yahoo,  
8 in the background of Jacobson, talks about and then adding the hypertext  
9 transmission protocol page controlled by the user who could be the  
10 programmer at one time in context would then -- you could have a hot link  
11 just to that so that my view would be that the link information permitting  
12 execution of searches that could go to the end result of a search which was  
13 done.

14 You can cut and paste a search which was done as a hot link and it  
15 automatically goes through that route and performs the search again to get  
16 you the data at the end. I'm struggling with this one.

17 I mean, I agree with what you are saying and your distinctions and  
18 how modifiable it is. I don't see that in claim 1. That's the problem I am  
19 having.

20 MR. RAICHUR: Again, I think that user, appropriately understood,  
21 excludes site administrator.

22 JUDGE DIXON: Have you defined it in the specification?

23 MR. RAICHUR: It does not, but my technical background is  
24 computer science. And I know I would never think of user as the person  
25 who is maintaining the code, for example.

1 MS. RAICHUR: If I may, mine is computer science as well. That's  
2 what it means to me. Any user? Would that cure that?

3 MR. MYERS: We are dealing with the claims as they exist now.

4 JUDGE BARRETT: Mine is computer science, too, and I sort of look  
5 at user as a relative term, who is using it at that particular time.

6 MR. RAICHUR: Again, I think that kind of makes -- when we read it  
7 and when we put it forth, obviously, we were talking about not the people  
8 who created Yahoo, not the guys that invented it, not the guys that built it.  
9 And again, remember, we are ten years ago.

10 The Internet was so different and you really were having the problems  
11 of finding any information. I mean, the reason Google is successful today is  
12 because their search is good.

13 MS. RAICHUR: One of the reasons Yahoo wasn't as good is because  
14 they didn't actually search the sites below their index.

15 MR. RAICHUR: They didn't.

16 MS. RAICHUR: They only searched their title and their description  
17 on their index. They don't actually search anything about the web page,  
18 other than what they hold in their data base.

19 MR. RAICHUR: If I may, as one other point to that, if you go to  
20 Yahoo or Google or any search engine I think even yet today, if you look at  
21 their terms of use, they use the word user as you, the person using their site.

22 That's how they define user and that is how they define it in their legal  
23 terms of use. No one reads the terms of use, for the most part. I only do  
24 because of the fact that we have a site that gets millions of people every year  
25 going through looking for legal information so we have the exact same

1 disclaimer.

2 If you use and are a user, and that's how we define it, as they do as  
3 well, if you are a user of the site that's -- and we go on.

4 JUDGE BARRY: That is true in terms of customary means. I mean,  
5 a user would be -- would not be the system administrator.

6 When a user has a problem here, when we have a problem, we call the  
7 help desk or the system administrator. I am wouldn't think of calling a peer.  
8 Hey, Joe, you are another user. What kind of problems do you have here.

9 You are right. It could be interpreted broadly but in terms of an  
10 ordinary customer meaning, I think you are right, a user is different than an  
11 administrator or even a programmer.

12 MR. RAICHUR: That's my belief.

13 JUDGE BARRETT: You have to understand. We are playing devil's  
14 advocate. We have got you here. We can ask the questions now.

15 MR. MYERS: That's what's great about the oral hearing process.

16 JUDGE BARRETT: Do you have anything more to add?

17 MR. MYERS: No. But we thank you for your time.

18 MS. RAICHUR: We, too, would like to thank you. It has been a long  
19 time, with four examiners, and there's still nothing out there on the Internet  
20 like us. We are really, really hoping that you will grant our patent because  
21 we are excited about putting it out there.

22 JUDGE DIXON: We just tell you whether they are right or wrong.  
23 You go back to that fourth Examiner.

24

1           (Whereupon, the proceeding was concluded on Thursday, April 23,  
2   2009.)